

REMARKS/ARGUMENTS

The Examiner has provisionally rejected claims 21-39 of the above referenced application based upon the judicially created doctrine of non-statutory double patenting. The Applicant respectfully traverses the Examiner's argument on the grounds that the amended claims do not qualify as an obvious modification of either co pending Application No. 10/728,596 (cited in the rejection) or Application No. 10/728,690.

The Examiner stated that "Claims 21-39 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21-32 of co pending Application No. 10/728,596. Although the conflicting claims are not identical, they are not patentably distinct from each other because both application teach a portable communicator comprising a wireless communication means; a computer which outputs control commands to the wireless communication means; a display which shows predetermined images; a power level display device which shows a remaining amount of power on the display."

The modified claims of the current invention claim a portable communicator with two types of displays. Claims 28, 29, 33 to 36, and 40 to 42, all claim a first and second display. Claim 31 claims a display and a monitor means. Claims 32 and 43 claim a limitation of an additional display of a lamp. The limitations of these claims are neither taught, suggested, nor implied by the claims of the co pending applications. Therefore, since MPEP §2143.03 requires that "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art," for at least the reasons shown, the Examiner has not met his burden of establishing a *prima facie* case of obviousness between this application and the other cited applications.

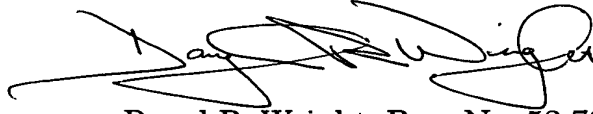
Claims 1 to 27, and claims 37 to 39 have been canceled. Claims 40 to 43 are added. Co-pending Applications No. 10/728,596 or No. 10/728,690 do not claim the use of two displays. Therefore, the original rejection is now considered moot.

In view of the above, reconsideration of the rejection is respectfully

requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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